

REMARKS

Claim 10, as herein amended, claims 13-15, as previously presented, and claims 11, 12, 18-20 and 23 as filed are pending in the application. Claims 1-9, 16, 17, 21, 22, 24, 26 and 28-36 are withdrawn as being directed to a non-elected invention. Claims 25 and 27 are cancelled without prejudice or disclaimer.

Applicant acknowledges with gratitude withdrawal of all previously-asserted grounds of rejection. The rejections asserted in the Office Action have been overcome by amendment or traversed by argument. No new matter is introduced by the amendments submitted herewith, which are fully supported by the specification as filed.

1. The claims as amended are not anticipated by the cited prior art.

Claims 10-15, 18-20 and 23 stand rejected as being anticipated under 35 U.S.C. §102(a) over the teachings of the Kopreski reference. The Kopreski reference is cited as teaching that extracellular tyrosine mRNA from peripheral blood from malignant melanoma patients. While not agreeing to the basis of rejection asserted over the Kopreski reference, independent claim 10 is amended herein to expedite allowance, by limiting the bodily fluid to pleural effusion. The teachings of the Kopreski reference are limited to serum and plasma, and provide no teaching with respect to pleural effusion. Further, the Kopreski reference provides no basis to anticipate that apoptotic bodies circulating in blood would be able to pass into the pleural space in a manner enabling their detection in pleural fluid.

Applicant respectfully requests that these amendments and argument overcome in part and traverse in part all grounds of rejection under 35 U.S.C. §102(a), and respectfully request that this ground of rejection be withdrawn.

2. The claims as amended are non-obvious over the cited prior art.

Claim 20 stands rejected as being obvious under 35 U.S.C. §103 over the teachings of the Kopreski reference combined with the teachings of Mok. The teachings of the Kopreski reference (including the deficiencies thereof) are asserted as discussed above. Applicant respectfully contends that the Action acknowledges the insufficiency of the Kopreski reference alone to assert a *prima facie* case of obviousness against pending claim 20. Applicant further respectfully contends that the

teachings of the Mok reference do not cure the deficiencies of the Kopreski reference. Mok teaches detection of cellular RNA (isolated from ovarian cancer cells in culture) using microarray technology, and detection of marker proteins (prostatin) from blood plasma or serum using antibody binding technology (see Abstract). Neither of these teachings is directed to detecting RNA from pleural effusion or could be combined with the teachings of Kopreski reference to achieve Applicant's claimed invention.

Applicant thus respectfully contends that the asserted rejection under 35 U.S.C. §103 has been overcome by amendment and traversed by argument, and requests that the Examiner withdraw this ground of rejection.

CONCLUSIONS

Applicant believes that all pending claims are in condition for allowance, and respectfully request that the pending claims be passed to issue.

If Examiner Natarajan believes it to be helpful, she is invited to contact the undersigned representative by telephone at (312) 913-0001.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

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By: /Kevin E. Noonan/
Kevin Noonan, Ph.D.
Reg. No. 35,303